

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KELLY PRICE

PLAINTIFF

Index No.: 15-CV-05871
JURY TRIAL DEMANDED

-against-

DETECTIVE LINDA SIMMONS Individually,
and as an employee of the New York City Police
Department, ADA MARIA STROHBEHN and
ADA KENYA WELLS Individually,
and as employees of the New York County
District Attorney's Office, THE CITY OF NEW YORK,
Deputy DA Audrey Moore, ADA Larry Newman, ADA
Laura Higgins nee Richendorfer, DA Cyrus Vance Jr.,
as employees of the New York County District
Attorney's Office, Inspector Obe of the New York City
Police Department, in her capacity as an employee
of the New York City Police Department,
Rose Pierre-Louis in her capacity as the Former
Commissioner of Domestic Violence of the
City of New York, PO Matthew Winters, individually
And in his capacity as an employee of the New York City
Police Department, Manhattan District Attorney's Employee

DEFENDANTS,

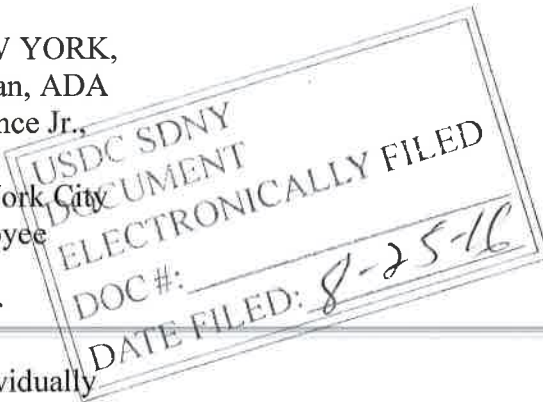
Motion Request for Reconsideration

Kelly Price
Pro Se
534 w 187th st. apt #7
New York, NY 10033

August 25, 2016

Dear Hon. Preska:

By order dated July 26, 2016, and post-marked to me on July 27, 2016 you requested



that I amend my complaint for the above-noted docket. I am submitting a motion for reconsideration as I would like to include in my complaint actions undertaken by the NYPD and MDAO *before* my false arrest(s) that commenced on March 24, 2011 and was (were) resolved/dismissed on or about July 24, 2012. I beg and beseech the court for reconsideration as I had no reason to know of the injury(ies) that is/are the basis for those pre-arraignment claims in 2011 when I was suffering from severe Complex Post-Traumatic Stress Disorder (Exhibit #1 Mental Health Diagnosis of C-PTSD and Exhibit #2 Notes from CONNECT NYC detailing confusing and traumatic time in my life in 2011) and consistently triggered by attacks by my pimp and batterer's associates with no protection from the NYPD.

My focus was on my survival: I had no way of filtering the constitutional violations being levied against me by the very-sophisticated players who also called themselves assistant district attorneys at that time. As section 1983 claims generally accrue when a plaintiff knows or has reason to know of the injury that is the basis of the claim (*Hogan v Fischer*, 783 F.3d 509, 518 (2^d Cir. 2013)) I am filing to formerly ask the court to reconsider its decision as ordered on July 26, 2016 to limit my claims to July 24, 2012, the date of dismissal of charges against me. I would like to be able to file for all actions by the NYPD and MDAO against me from the date of my first arrest on or about in October, 2010 for allegedly filing a false police report (dismissed and sealed also on 7/24/2012.) I hope very much that the court will give me the opportunity to include in my complaint constitutional harms to me that occurred before my spring 2011 arrests and arraignments.

Quite possibly all absolute immunity defenses members of the MDAO usually have available to them may be stricken as their actions towards me in their role as court advocate were INTER-TWINED with NON-ADVOCATE functions (intervening in the NYPD's investigative process

as Lt. LaRocca's affidavit suggests (Exhibit #3 Affidavit from Lt. Larocca)) as established in *Doe v. Phillips* (citing *Doe v. Phillips*, 81 F.3d 1204 (2d Cir. 1996) (See Exhibit #4 Prosecutorial Immunity in the 2nd Circuit). Many of these constitutional harms occurred within six months before my arrests for alleged acts of aggravated harassment and contempt of court in the Spring of 2011. I am only asking the court to extend six months: from March of 2011 to October of 2010 when I was arrested for allegedly filing a false police report. As charges for the March and May 2011 arrests were dismissed at the same time on July 24, 2012 I made the statute of limitations to the day. I was also arrested on or about October of 2010 for allegedly filing a false police report (that case was also dismissed and sealed on 7/24/2012) and I am asking the court to allow me to include in my complaint all conduct and actions taken against me by the NYPD and MDAO for that period of time that I was being beaten, stalked, pimped, trafficked and traumatized on a daily basis at that time and not able to perform normal tasks of living yet alone recognize constitutional harms.


For the above-stated reasons I am beseeching you Hon. Preska to allow me leave to amend my complaint to include all interactions between myself and the MDAO and NYPD after the first arrest in October of 2011 which was also roughly around the date I attained restraining order from Hon. Judge Sattler guaranteeing me protection from the City (which was blatantly eschewed) of New York in October of 2010. A restraining order is one form of a "special relationship" between me and the city of New York that mandates that the city respond to and act on my complaints as is outlined in the case law of McLean and Riddick. As a general rule, a municipality may not be held liable for injuries resulting from a failure to provide police protection (*Cuffy v. City of New York*, 69 NY2d 255 [1987]). A municipality's provision of police protection to its citizenry has long been regarded as a resource-allocating function that is

better left to the discretion of policy makers (id.). There is, however, a narrow exception to this general rule based upon a "special relationship" between the municipality and the claimant (id.). The elements of this "special relationship" are: an assumption by the municipality, through promises or actions, of an affirmative duty to act on behalf of the party who was injured; knowledge on the part of the municipality's agents that inaction could lead to harm; some form of direct contact between the municipality's agents and [*3]the injured party; and that party's justifiable reliance on the municipality's affirmative undertaking (id.). A duly issued order of protection constitutes an assumption of an affirmative duty of protection coupled with an awareness that inaction could lead to harm and thereby satisfies the first two elements of a special relationship (*Mastroianni v. County of Suffolk*, 91 NY2d 198 [1997]).


Hon. Judge Preska: Thank you for your entertaining this request. It is not often that a plaintiff has the opportunity to hold district attorneys accountable for deliberate wrong-doings because of the tenets of prosecutorial immunity. Cases where prosecutors really go wrong and are not covered by immunity NEVER come around Hon. Preska. Please allow me to file actions dating back to October of 2010. The MDAO has been using the aggravated harassment statute to met-out misery to personal enemies of that office for decades (see Exhibit #5 *Shmueli v. City of New York*) and has never been held accountable. Even though this statute of the NY State Penal code has been amended others are surely already being used for the same evil end-game. Please help me to send a loud and strong message to the MDAO will stand for this no longer.

Kelly Price

Sworn to me this 25th Day of August 25, 2016



August 25, 2016



Dorchen A. Leidholdt, Notary Public
 Registration No. 02LE6267827
 Expires 8/27/16

EXHIBIT #1



115 West 31st Street 5th Floor New York, NY 10001
Tel: 212 564 6006 Fax: 212 564 3440 Website: www.ccmnyc.org

January 25, 2016

To Whom It May Concern,

Ms. Kelly Price is a client here at the Manhattan clinic of Community Counseling and Mediation. She is seen for weekly psychotherapy and has been diagnosed with: F43.10 Posttraumatic Stress Disorder. She began treatment on December 29, 2015 and her most recent appointment was Friday, January 15th.

Please inform if there is any additional information you may need.

Sincerely,

Alyssa Rodriguez, MHC Intern

A handwritten signature in dark ink, appearing to read "Lauren L. Rigney". The signature is fluid and cursive, with the first name "Lauren" and last name "Rigney" clearly distinguishable.

Lauren L. Rigney, MS, LMHC, NCC
Clinic Director

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EXHIBIT #2

Services		
ServiceDate	Service Notes	Type of Service
9/7/2011	SD met with CL at CVTC.	CVTC
9/7/2011	SD did a lot of CC with CL during our meeting.	Crisis Counseling
9/7/2011	SD s/w CL about the likelihood that the charges against her will be dropped.	Info-Legal
9/7/2011	SD s/w CL about the history of DV b/w them and described the common tactics used by abusers to get what they want.	Info-Other
9/7/2011	SD advised CL that the court calendar governs when certain things happen, so if the ADA is planning on dropping the charges, he/she can do so at that court date.	Info-Legal
9/7/2011	SD suggested that CL look into the CCRB as a possible mechanism for holding the 28th precinct cops accountable for what they've done to her.	Info-Legal
9/7/2011	SD advised CL that the only real oversight with NYPD comes from IAB (which she's already involved with) and the CCRB.	Info-Legal
9/7/2011	SD advised CL that in cross-complaint cases, credibility is key and the pending criminal case against her puts her at a disadvantage as far as that's concerned.	Info-Legal
9/7/2011	SD informed CL that the first focus should be getting the charges dropped and once that's resolved, then see if it's possible to re-open the assault case against RESP.	Info-Legal
9/7/2011	SD gave CL my card with the LAP HL # on it in case she needs to contact me.	Info-Legal
9/14/2011	SD s/w CL who called in for me at CVTC.	Follow Up
9/14/2011	SD, with Lisa H. @ CVTC, attempted to contact Lisa Callahan @ the Mn DA's office. No answer. Left vm with my direct line and extension to call me back.	CJA-DA
9/14/2011	SD advised CL that b/c of the bureaucratic nature of the system, correcting mistakes like this take an extensive amount of time.	Info-Legal
9/14/2011	CL expressed fear at being incarcerated "for the rest of her life," and SD reminded her that these are all MISD charges and carry a maximum of 1 year.	Info-Legal
9/14/2011	SD advised CL that we tried to call Lisa Callahan at the DA's office, but there was no answer so we left a message asking her to call me back at the office on my extension.	Info-Legal
9/14/2011	SD advised CL that we have a working relationship with the DA's office and will try to utilize that to help her.	Info-Legal
10/14/2011	SD called Lisa @ CVTC to s/w her on CL's behalf about Belinda escorting CL to her appt with a City Council member to discuss her treatment by NYPD and the DA's office. No answer. Left vm.	PA-Legal
10/28/2011	SD s/w CL who called for me on the HL.	Follow Up
10/28/2011	SD offered CL emotional support given her treatment by the police and the DA's office.	Crisis Counseling

Services		
Service Date	Service Notes	Type of Service
10/28/2011	SD advised CL that I can call the precinct to speak with the DVPO who took her rep't on RESP's latest attack (a PO Simmons) and find out what happened w/ the DIR.	Info-Legal
10/28/2011	SD advised CL that both Lisa @ CVTC and I have been trying to get through to the DA's office about getting the charges dropped but we're not getting anywhere on that front.	Info-Legal
10/28/2011	SD advised CL to send me her copy of the DIR and then I can call the 28th precinct to speak with DVPO Simmons about how it was "lost" according to Lt. LaRocca. Gave CL our fax #.	Info-Legal
11/1/2011	SD called the 28th precinct to speak w/ DVPO Simmons about this DIR. She was very resistant and wasn't able to provide any info except that the report got "lost in the system". Her stance was that CL must return to the precinct to file another one.	CJA-Police
11/8/2011	SD s/w CL about Belinda accompanying her to the precinct to make a report as well as to her meeting with Christine Quinn's office to report her treatment by the police.	Info-Legal
11/8/2011	SD offered CL emotional support and validated her feelings about the 28th precinct's handling of her case.	Crisis Counseling
11/8/2011	SD gave CL a run-down of the very unproductive phone call I had with the DVPO last week, and advised her that the issue is definitely not her fault.	Info-Legal
11/8/2011	CL called on the HL and SD s/w her about what happened when I called the 28th precinct last week.	Follow Up
11/8/2011	SD emailed KT & Anindita about having Belinda accompany CL to the 28th precinct to re-file the DIR that they "lost" in their system.	PA-Legal
11/9/2011	SD s/w CL briefly at CVTC about Belinda accompanying her to the 28th precinct. CL was just getting out of group at CVTC.	Follow Up
11/9/2011	SD s/w CL briefly at CVTC about Belinda accompanying her to the 28th precinct. CL was just getting out of group at CVTC.	Info-Legal
11/9/2011	SD provided CL w/ emotional support about her treatment by the 28th and confirmed that I was also stonewalled by the DVPO there.	Crisis Counseling
11/9/2011	SD advised CL that I would meet with Belinda on Friday to go over CL's case with her, so she should be able to accompany her next week.	Info-Legal
11/15/2011	SD called CL to set up a time for Belinda to accompany her to the precinct in order to make a report. No answer. Her voice mail box was full so I couldn't leave a message.	Follow Up
11/15/2011	SD called Lisa @ CVTC to s/w her about CL. No answer. Left vm asking for a call back.	PA-Legal
11/15/2011	SD s/w Lisa @ CVTC who returned my phone call. Discussed the accompaniment to the 28th precinct as well as CL possibly testifying at City Council.	PA-Legal
11/16/2011	SD met with CL at CVTC and briefly discussed Belinda escorting her	Info-Other

Services		
Service Date	Service Notes	Type of Service
	to the 28th precinct to file her DIR as well as possibly testifying at City Council early next yr.	
11/16/2011	SD met with CL at CVTC and briefly discussed Belinda escorting her to the 28th precinct to file her DIR as well as possibly testifying at City Council early next yr.	Follow Up
11/16/2011	SD met with CL at CVTC and briefly discussed Belinda escorting her to the 28th precinct to file her DIR as well as possibly testifying at City Council early next yr.	Info-Legal
11/22/2011	SD called CVTC to s/w Lisa to let her know that Kelly and Belinda will be meeting at CVTC on Thursday (12/1) to head up to the 28th precinct.	PA-Legal
11/22/2011	BD s/w CL and arranged a date/time to meet @ CVTC and then to go up to the 28th precinct.	Info-Legal
11/22/2011	SD s/w CL who called in on the HL. Let her know that I hadn't been able to get a hold of her and had her s/w Belinda to schedule a time to go to the precinct.	Follow Up
11/22/2011	SD s/w CL who called in on the HL. Let her know that I hadn't been able to get a hold of her and had her s/w Belinda to schedule a time to go to the precinct.	Info-Legal
11/30/2011	SD advised CL that now that her OP was downgraded, it's critical that she obtain the DIR to prove the OP violation to the IDV judge.	Info-Legal
11/30/2011	SD called CL to s/w her about meeting tomorrow w/ BD to head to the 28th precinct.	Follow Up
11/30/2011	SD provided CL emotional support b/c of what occurred in IDV w/ her OP (hers was downgraded to a limited OP and he still has a stay away against her).	Crisis Counseling
11/30/2011	SD s/w CL about what happened in IDV court yesterday w/ her OP.	Info-Legal
11/30/2011	SD s/w CL about the possibility of a City Council hearing and let her know that it's still in the initial stages. I haven't heard anything more about it.	Info-Other
11/30/2011	SD confirmed the time/date for CL to meet with BD and head to the precinct.	Info-Legal
12/1/2011	SD called Lisa @ CVTC to give her an update on what took place today at the 28. No answer. Left vm. Also informed her about my conversation w/ KT and the potential to speak directly to Audrey but we need to be confident that there's nothing that can be used against CL.	PA-Legal
12/1/2011	BD met with CL at CVTC to accompany her to the 28th precinct. BD assisted CL with filing a DIR for the OP violation and emailed SD to inform her of what took place. CL was very happy with the effect of the accompaniment and articulated her desire for BD to accompany her in other respects.	CJA-DA
12/1/2011	SD s/w Lisa who called me back. Discussed CL's case and	PA-

Services		
Service Date	Service Notes	Type of Service
	possibility of a meeting to try and hash out the probability of going to DA's office with a solid case for dropping the charges. Will speak to KT about this.	Counseling
12/1/2011	SD s/w Lisa who called me back. Discussed CL's case and possibility of a meeting to try and hash out the probability of going to DA's office with a solid case for dropping the charges. Will speak to KT about this.	PA-Legal
12/1/2011	BD met with CL at CVTC to accompany her to the 28th precinct. BD assisted CL with filing a DIR for the OP violation and emailed SD to inform her of what took place. CL was very happy with the effect of the accompaniment and articulated her desire for BD to accompany her in other respects.	CJA-Police
12/1/2011	BD met with CL at CVTC to accompany her to the 28th precinct. BD assisted CL with filing a DIR for the OP violation and emailed SD to inform her of what took place. CL was very happy with the effect of the accompaniment and articulated her desire for BD to accompany her in other respects.	Info-Legal
12/1/2011	BD met with CL at CVTC to accompany her to the 28th precinct. BD assisted CL with filing a DIR for the OP violation and emailed SD to inform her of what took place. CL was very happy with the effect of the accompaniment and articulated her desire for BD to accompany her in other respects.	Follow Up
12/1/2011	BD met with CL at CVTC to accompany her to the 28th precinct. BD assisted CL with filing a DIR for the OP violation and emailed SD to inform her of what took place. CL was very happy with the effect of the accompaniment and articulated her desire for BD to accompany her in other respects.	Crisis Counseling
12/2/2011	SD emailed Lisa to arrange a time for us to meet w/ KT to discuss CL's case and develop a strategy for advocating with the DA's office.	PA-Legal
12/5/2011	SD s/w CL who called in very upset b/c she ran into RESP at the bodega and had to turn around and walk out while they (him and his friend) laughed at her.	Follow Up
12/5/2011	SD s/w CL to try and de-escalate her a bit, and then reminded her that the best thing she can do for now is protect herself from the OP even though it's infuriating.	Crisis Counseling
12/5/2011	SD s/w CL to try and de-escalate her a bit, and then reminded her that the best thing she can do for now is protect herself from the OP even though it's infuriating.	Safety Planning
12/5/2011	SD advised CL that KT and I need to review her papers from court so that we can see what exactly happened there before we can do any kind of advocacy on her behalf. CL will fax them today.	Info-Legal
12/6/2011	SD called CL unblocked to f/u on her vm from yesterday about her fax. It was not in the fax machine. No answer. Left vm.	Follow Up
12/6/2011	SD s/w CL who called in returning my vm. Confirmed for her that I	Info-Legal

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	did not receive the fax (checked again), so she is going to drop it by the office today. I gave her the address.	
12/6/2011	SD called CL unblocked to f/u on her vm from yesterday about her fax. It was not in the fax machine. No answer. Left vm.	Info-Legal
12/6/2011	SD s/w CL who called in returning my vm. Confirmed for her that I did not receive the fax (checked again), so she is going to drop it by the office today. I gave her the address.	Follow Up
12/7/2011	SD and Lisa s/w CL about how her actions, w/o the context of the history of DV against her, could have been seen as a batterer's actions.	Info-Legal
12/7/2011	SD met with CL at CVTC.	CVTC
12/7/2011	SD and Lisa s/w CL about the common tactics batterers use to intimidate their victims, and how some of her actions and statements could be misrepresented to look like those tactics.	Info-Legal
12/7/2011	SD s/w CL about the 28th precinct and their handling of the case.	Info-Legal
12/7/2011	SD provided CL w/ emotional support given the handling of her case to date.	Crisis Counseling
12/7/2011	SD s/w Lisa about CL's case and tried to set up a time for her to meet with KT and I to go over the court doc's in CL's possession and work out a coherent story to possibly present to the DA's office on CL's behalf.	PA-Legal
12/7/2011	SD s/w CL about the DA's office's handling of her case.	Info-Legal
12/8/2011	SD s/w Lisa and KT about setting up a meeting sometime next week.	PA-Legal
12/13/2011	SD tried calling Lisa @ CVTC again to set up a time to meet w/ KT re. CL's legal case. Trying for tomorrow afternoon near the end of the day.	PA-Legal
12/13/2011	SD s/w Lisa who called me back, and we set up the time of 3pm tomorrow to meet w/ KT to review CL's legal case.	PA-Legal
12/20/2011	SD called Lisa returning her message about setting up a time to meet w/ KT re. CL's legal case. No answer. Left vm.	PA-Other
12/20/2011	SD called Lisa returning her message about setting up a time to meet w/ KT re. CL's legal case. No answer. Left vm.	PA-Legal
12/20/2011	SD s/w Lisa @ CVTC and (tentatively) set up a meeting for next week on Wed @ 11 am.	PA-Legal
12/28/2011	SD met w/ Lisa & KT re. CL's case; Family Court OP, Crim Court charges, and proving she's a survivor of DV.	PA-Legal
12/28/2011	KT met w/ Lisa & SD re. CL's case; Family Court OP, Crim Court charges, and proving she's a survivor of DV.	PA-Counseling
12/28/2011	KT met w/ Lisa & SD re. CL's case; Family Court OP, Crim Court charges, and proving she's a survivor of DV.	PA-Legal
12/28/2011	SD met w/ Lisa & KT re. CL's case; Family Court OP, Crim Court	PA-Family

Services		
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	charges, and proving she's a survivor of DV.	Court
12/28/2011	SD met w/ Lisa & KT re. CL's case; Family Court OP, Crim Court charges, and proving she's a survivor of DV.	PA-Counseling
12/28/2011	KT met w/ Lisa & SD re. CL's case; Family Court OP, Crim Court charges, and proving she's a survivor of DV.	PA-Family Court
1/5/2012	KT met with Lisa, SD, and CL to discuss the FC case, the CC charges against her, short and long-term priorities and goals, and forming an effective strategy to address them.	PA-Family Court
1/5/2012	KT met with Lisa, SD, and CL to discuss the FC case, the CC charges against her, short and long-term priorities and goals, and forming an effective strategy to address them.	PA-Legal
1/5/2012	SD met w/ Lisa, KT, and CL to discuss the FC case, the CC charges against her, short and long-term priorities and goals, and forming an effective strategy to address them.	Safety Planning
1/5/2012	KT met with Lisa, SD, and CL to discuss the FC case, the CC charges against her, short and long-term priorities and goals, and forming an effective strategy to address them.	Safety Planning
1/5/2012	KT met with Lisa, SD, and CL to discuss the FC case, the CC charges against her, short and long-term priorities and goals, and forming an effective strategy to address them.	Crisis Counseling
1/5/2012	SD met w/ Lisa, KT, and CL to discuss the FC case, the CC charges against her, short and long-term priorities and goals, and forming an effective strategy to address them.	Crisis Counseling
1/5/2012	SD met w/ Lisa, KT, and CL to discuss the FC case, the CC charges against her, short and long-term priorities and goals, and forming an effective strategy to address them.	PA-Legal
1/5/2012	SD met w/ Lisa, KT, and CL to discuss the FC case, the CC charges against her, short and long-term priorities and goals, and forming an effective strategy to address them.	PA-Family Court
1/5/2012	SD met w/ Lisa, KT, and CL to discuss the FC case, the CC charges against her, short and long-term priorities and goals, and forming an effective strategy to address them.	PA-Counseling
1/5/2012	KT met with Lisa, SD, and CL to discuss the FC case, the CC charges against her, short and long-term priorities and goals, and forming an effective strategy to address them.	PA-Counseling
1/11/2012	SD explained what our strategy will be in advocating with the DA's office and reminded her that while we believe her story, we have to know exactly what took place (whether it was incriminating or not) so that we can lay out the entire context of DV and its impact on her actions.	Info-Legal
1/11/2012	SD s/w CL about the different sub-sections of the aggravated harassment charge that she's facing and what they mean.	Info-Legal
1/11/2012	SD met w/ CL at CVTC to discuss the charges in-depth and to get a	Follow Up

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	full account of her version of events.	
1/11/2012	SD did some emotional, physical, and legal SP w/ CL because he is still calling her and she is talking to him b/c she misses him.	Safety Planning
1/11/2012	SD provided CL w/ emotional support throughout this process.	Crisis Counseling
1/11/2012	SD s/w CL in-depth about her version of events (# of phone calls and texts, what was said, the nature of the interactions w/ him, and her intent during these interactions). Recorded CL's version of events in a timeline format.	PA-Legal
1/12/2012	KT s/w Audrey Moore, CHief of DV Bureau @ NYCo DA's office, to inquire about case and raise issues of victim treated as perp. AM requested email with identifying email; I will follow up with her.	CJA-DA
1/13/2012	SD s/w CL who called in on the HL.	Follow Up
1/13/2012	SD offered CL emotional support b/c of how traumatized she was yesterday over her attorney's conduct.	Crisis Counseling
1/13/2012	SD s/w CL about her decision to fire Kartegener and the possibility of tapping into her resources at the Legal Aid office since she had a good feeling about them.	Info-Legal
1/13/2012	SD s/w CL about what the plea offer could mean for her and that it illustrates a possible problem with the state's case.	Info-Legal
1/13/2012	SD did some SP w/ CL b/c she mentioned just waking up (3:15pm) after taking sleeping pills the night before. She clarified that she didn't try to overdose; she took them just to knock her out.	Safety Planning
1/13/2012	SD called Lisa @ CVTC to update her on the case. No answer. Left vm requesting a call back.	PA-Legal
1/17/2012	SD called for Lisa @ CVTC again returning her vm. No answer. Left vm letting her know what happened w/ ADA since she's meeting with CL at 2pm today and asked her to call me.	PA-Legal
1/19/2012	SD s/w CL who called in on the HL but she hung up when I tried to talk to her about leaving a vm on our phone rather than calling over and over again. I informed her that we can't have someone call incessantly and that I was planning on returning her message when CL got frustrated and hung up the phone.	Follow Up
1/19/2012	KT emailed Audrey Moore and Lisa Haileselassie re: case status and advocating for dismissal.	CJA-DA
1/19/2012	SD s/w Lisa who called in returning my vm. S/w her about CL's case and the upcoming disorderly conduct hearing.	PA-Counseling
1/19/2012	SD sent KT the info for CL's case and the info for RESP who then forwarded that info to Audrey Moore at the DA's office.	CJA-DA
1/19/2012	SD s/w Lisa who called in returning my vm. S/w her about CL's case and the upcoming disorderly conduct hearing.	PA-Legal
1/19/2012	SD s/w CL who called in on the HL but she hung up when I tried to talk to her about leaving a vm on our phone rather than calling over	Info-Legal

Services		
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	and over again. I informed her that we can't have someone call incessantly and that I was planning on returning her message when CL got frustrated and hung up the phone.	
1/19/2012	SD called Lisa @ CVTC back returning her vm from earlier today. No answer. Left a detailed vm about CL as well as about the other HL case they were helping us with.	PA-Legal
1/20/2012	SD s/w CL who called in on the HL about yesterday's conversation.	Follow Up
1/20/2012	SD gave CL emotional support in response to her anxiety over the criminal charges against her.	Crisis Counseling
1/20/2012	SD s/w CL about the criminal charges pending against her and the upcoming hearing on the disorderly conduct case.	Info-Legal
1/24/2012	SD s/w CL who called in on the HL w/ an update on the disorderly conduct case. ADA Wells offered an ACD, but she did not accept.	Info-Legal
1/24/2012	SD s/w CL who called in on the HL w/ an update on the disorderly conduct case. ADA Wells offered an ACD, but she did not accept.	Follow Up
1/31/2012	SD informed CL that we gave her info and the info of the case to the SVB chief (Audrey Moore) in the DA's office a couple weeks ago and we're still waiting on the outcome of that.	Info-Legal
1/31/2012	SD informed CL that even one missed court date can result in a dismissal of her FC case against RESP, which is what happened. However, she didn't show b/c Kartegener told her the wrong date and they've given her until Mon to come back w/ a new attorney.	Info-Legal
1/31/2012	SD informed CL that if ADA Wells knew she wasn't going to take the deal, then he didn't have to formally offer it to her (it sounds like he did not).	Info-Legal
1/31/2012	SD s/w CL who called in on the HL very upset and threatening to "go to the Bk Bridge" right now (basically providing an underlying implication of suicidality).	Crisis Counseling
1/31/2012	SD s/w CL who called in on the HL very upset and threatening to "go to the Bk Bridge" right now (basically providing an underlying implication of suicidality).	Follow Up
2/3/2012	SD s/w CL who called in on the HL about the pending crim charges. Wanted to know what we "sent" to the DA's office and I informed her that we only provided her name and the docket # of the case b/c that's all they wanted.	Follow Up
2/3/2012	SD s/w CL who called in on the HL about the pending crim charges. Wanted to know what we "sent" to the DA's office and I informed her that we only provided her name and the docket # of the case b/c that's all they wanted.	Info-Legal
2/3/2012	SD confirmed w/ CL that it would still be okay to present what she gave us to the DA's office if they ask for it. She said that was fine.	Info-Legal
2/6/2012	SD called Lisa @ CVTC back returning her call re. status of CL's case and advocacy with DA's office.	PA-Legal

Services		
Service Date	Service Notes	Type of Service
2/6/2012	SD s/w CL who called in to update me on the case.	Follow Up
2/6/2012	SD s/w CL about the pending crim case and her new Legal Aid attorney.	Info-Legal
2/6/2012	SD s/w CL about meeting w/ her Legal Aid attorney. Will discuss w/ KT and see if there is an appropriate meeting time this week (may not be possible this week).	Info-Legal
2/7/2012	SD responded to CL's email w/ corrected count info, docket #'s, and an explanation of what an ACD is for her formal complaint about the DA's office.	Info-Legal
2/7/2012	SD s/w Lisa who called re. the pending criminal charges and case developments. Lisa will be seeing CL later today for a counseling session.	PA-Counseling
2/7/2012	SD responded to CL's email w/ corrected count info, docket #'s, and an explanation of what an ACD is for her formal complaint about the DA's office.	Info-Legal
2/7/2012	SD responded to CL's email w/ corrected count info, docket #'s, and an explanation of what an ACD is for her formal complaint about the DA's office.	Info-Legal
2/7/2012	SD responded to CL's email w/ corrected count info, docket #'s, and an explanation of what an ACD is for her formal complaint about the DA's office.	Follow Up
2/7/2012	SD s/w Lisa who called re. the pending criminal charges and case developments. Lisa will be seeing CL later today for a counseling session.	PA-Legal
2/7/2012	SD informed CL that Lisa @ CVTC called me re. updates on the case and that she's prob concerned about that.	Info-Counseling
2/7/2012	SD provided CL my email address b/c she would like me to look over the formal complaint she's going to write about the DA's office's handling of her case. I agreed to look at it.	Info-Legal
2/7/2012	SD informed CL that her theory as to overall office responsibility may not be true; it's highly unlikely the entire DA's office is involved (as opposed to ADA Stroben and/or Wells).	Info-Legal
2/7/2012	SD s/w CL who called in on the HL w/ an update on the case. Her neighbor is on the community board with an inspector at the 28th, and the neighbor asked him what was going on w/ CL's case. The inspector allegedly stated that it was all the DA's office.	Follow Up
2/7/2012	SD provided CL w/ emotional support re. the new info she's rec'd about the DA's office's conduct in her case (according to an inspector at the 28th precinct that is).	Crisis Counseling
2/8/2012	KT emailed Lisa Haileselassie and SD re: conversation with defense attorney and gathering evidence, developing plan for crisis management, reporting on performance in court, etc.	PA-Counseling
2/8/2012	KT emailed Tajuana Johnson w/ same info	PA-Legal

Services		
ServiceDate	Service Notes	Type of Service
2/8/2012	KT emailed Lisa Haileselassie and SD re: conversation with defense attorney and gathering evidence, developing plan for crisis management, reporting on performance in court, etc.	PA-Legal
2/8/2012	KT called Tajuana Johnson, CL's new defense attorney at Legal Aid, and left message advising of who I am and my role in case.	PA-Legal
2/8/2012	KT emailed Tajuana Johnson w/ same info	CJA-Other
2/8/2012	KT called Tajuana Johnson, CL's new defense attorney, and discussed situation briefly. Discussed our role and the ways we can support. She is interested in our working with Kelly to prepare documents re: her victimization. I will reach out to SD and LH re: preparing this evidence.	CJA-Other
2/8/2012	KT called Tajuana Johnson, CL's new defense attorney at Legal Aid, and left message advising of who I am and my role in case.	CJA-Other
2/15/2012	SD met w/ CL briefly at CVTC re. doc's to bring to Friday's meeting w/ Tajuana (e.g. records from glass companies, medical records from incidents identified on her timeline, etc.). CL stated that she's scared about the trial and I validated her feelings about that.	Follow Up
2/15/2012	SD met w/ CL briefly at CVTC re. doc's to bring to Friday's meeting w/ Tajuana (e.g. records from glass companies, medical records from incidents identified on her timeline, etc.). CL stated that she's scared about the trial and I validated her feelings about that.	Info-Legal
2/15/2012	SD met w/ CL briefly at CVTC re. doc's to bring to Friday's meeting w/ Tajuana (e.g. records from glass companies, medical records from incidents identified on her timeline, etc.). CL stated that she's scared about the trial and I validated her feelings about that.	Crisis Counseling
2/16/2012	SD called CL to remind her to bring the doctor's reports and receipts from the glass companies tomorrow. No answer. Left vm and also emailed CL w/ the same request.	Follow Up
2/16/2012	SD called CL to remind her to bring the doctor's reports and receipts from the glass companies tomorrow. No answer. Left vm and also emailed CL w/ the same request.	Info-Legal
2/17/2012	KT met w/ Lisa Haileselassie, Tajuana Johnson and CL to discuss criminal case. Discussed strategy, prospects, useful ways to prepare.	Follow Up
2/17/2012	KT met w/ Lisa Haileselassie, Tajuana Johnson and CL to discuss criminal case. Discussed strategy, prospects, ACD v. dismissal, useful ways to prepare.	Safety Planning
2/17/2012	KT met w/ Lisa Haileselassie, Tajuana Johnson and CL to discuss criminal case. Discussed strategy, prospects, useful ways to prepare.	PA-Legal
2/17/2012	KT met w/ Lisa Haileselassie and Tajuana Johnson to discuss case. Discussed outlook, position of prosecutor, attorney's impression of defense issues. Discussed ways we can assist, victimization, etc.	PA-Legal
2/17/2012	KT met w/ Lisa Haileselassie and Tajuana Johnson to discuss case.	Safety

Services		
ServiceDate	Service Notes	Type of Service
	Discussed outlook, position of prosecutor, attorney's impression of defense issues. Discussed ways we can assist, victimization, bottom lines for CL re: safety and autonomy.	Planning
2/17/2012	KT met w/ Lisa Haileselassie and Tajuana Johnson to discuss case. Discussed outlook, position of prosecutor, attorney's impression of defense issues. Discussed ways we can assist, victimization, etc.	CJA-Other
2/17/2012	KT met w/ Lisa Haileselassie, Tajuana Johnson and CL to discuss criminal case. Discussed strategy, prospects, useful ways to prepare.	CJA-Other
2/24/2012	KT met w/ CL and defense atty Tajuana Johnson. Discussed history of abuse and clarified facts from timeline. Discussed current charges against her and potential outcomes. KT and CL listened in to TJ's phone call with ADA Wells. They have a recording of the OP violation and therefore TJ feels she will not be offered lower than a Family ACD. Discussed future recourse for injustice of dropping charges against her. TJ offered to help bring a case against prosecutor for abuse of discretion. CL very upset at prospects and will consider whether to accept ACD. TJ advised she intends to do a full investigation. We will support however we can.	Crisis Counseling
2/24/2012	KT met w/ CL and defense atty Tajuana Johnson. Discussed history of abuse and clarified facts from timeline. Discussed current charges against her and potential outcomes. KT and CL listened in to TJ's phone call with ADA Wells. They have a recording of the OP violation and therefore TJ feels she will not be offered lower than a Family ACD. Discussed future recourse for injustice of dropping charges against her. TJ offered to help bring a case against prosecutor for abuse of discretion. CL very upset at prospects and will consider whether to accept ACD. TJ advised she intends to do a full investigation. We will support however we can. Discussed safety issues while she remains living next door to perp w/o an active order, which was dismissed 1/31/12.	Safety Planning
2/24/2012	KT met w/ CL and defense atty Tajuana Johnson. Discussed history of abuse and clarified facts from timeline. Discussed current charges against her and potential outcomes. KT and CL listened in to TJ's phone call with ADA Wells. They have a recording of the OP violation and therefore TJ feels she will not be offered lower than a Family ACD. Discussed future recourse for injustice of dropping charges against her. TJ offered to help bring a case against prosecutor for abuse of discretion. CL very upset at prospects and will consider whether to accept ACD. TJ advised she intends to do a full investigation. We will support however we can.	Follow Up
2/24/2012	KT met w/ CL and defense atty Tajuana Johnson. Discussed history of abuse and clarified facts from timeline. Discussed current charges against her and potential outcomes. KT and CL listened in to TJ's phone call with ADA Wells. They have a recording of the OP violation and therefore TJ feels she will not be offered lower than a	CJA-Other

Services		
Service Date	Service Notes	Type of Service
	Family ACD. Discussed future recourse for injustice of dropping charges against her. TJ offered to help bring a case against prosecutor for abuse of discretion. CL very upset at prospects and will consider whether to accept ACD. TJ advised she intends to do a full investigation. We will support however we can.	
2/24/2012	KT met w/ CL and defense atty Tajuana Johnson. Discussed history of abuse and clarified facts from timeline. Discussed current charges against her and potential outcomes. KT and CL listened in to TJ's phone call with ADA Wells. They have a recording of the OP violation and therefore TJ feels she will not be offered lower than a Family ACD. Discussed future recourse for injustice of dropping charges against her. TJ offered to help bring a case against prosecutor for abuse of discretion. CL very upset at prospects and will consider whether to accept ACD. TJ advised she intends to do a full investigation. We will support however we can.	PA-Legal
2/24/2012	KT met w/ CL and defense atty Tajuana Johnson. Discussed history of abuse and clarified facts from timeline. Discussed current charges against her and potential outcomes. KT and CL listened in to TJ's phone call with ADA Wells. They have a recording of the OP violation and therefore TJ feels she will not be offered lower than a Family ACD. Discussed future recourse for injustice of dropping charges against her. TJ offered to help bring a case against prosecutor for abuse of discretion. CL very upset at prospects and will consider whether to accept ACD. TJ advised she intends to do a full investigation. We will support however we can.	Info-Legal
2/24/2012	Discussed right to file for another OP if necessary.	Info-Family Court
2/27/2012	SD informed CL that I don't know how this is all going to play out, but that the ADA has to prove that she had the intent to commit the crimes she's charged with.	Info-Legal
2/27/2012	SD advised CL to take her cues from Tajuana and to let her handle the case.	Info-Legal
2/27/2012	SD s/w CL briefly but I had not spoken to KT yet about the meeting they all had on Friday (I was out of town). Provided her w/ some emotional support and also discussed the statements the ADA apparently made to Tajuana.	Info-Legal
2/27/2012	SD s/w CL briefly but I had not spoken to KT yet about the meeting they all had on Friday (I was out of town). Provided her w/ some emotional support and also discussed the statements the ADA apparently made to Tajuana.	Follow Up
2/27/2012	SD s/w CL briefly but I had not spoken to KT yet about the meeting they all had on Friday (I was out of town). Provided her w/ some emotional support and also discussed the statements the ADA apparently made to Tajuana.	Crisis Counseling
3/2/2012	SD s/w CL who called in scared about the hearing on Tuesday. SD	Crisis

Services		
Service Date	Service Notes	Type of Service
	offered emotional support.	Counseling
3/2/2012	SD s/w CL who called back to ask about the ACD and her ability to sue after the 1 yr time period is up. I confirmed what both KT and Tajuana told her about this on Friday.	Info-Legal
3/2/2012	SD s/w CL who called back to ask about the ACD and her ability to sue after the 1 yr time period is up. I confirmed what both KT and Tajuana told her about this on Friday.	Follow Up
3/2/2012	SD s/w Lisa @ CVTC about my conversation w/ CL earlier today. Let her know that CL was pretty upset, but I was able to talk her down.	PA-Counseling
3/2/2012	SD s/w Lisa @ CVTC who returned my call. Discussed the hearing on Tuesday and the fact that she might not be able to go. Also discussed the 30/30, which is a no go b/c Kartegener did ask for an adjournment.	PA-Legal
3/2/2012	SD informed CL that I have no idea who the "phone expert" the ADA mentioned to Tajuana would be, but that Raheem has to confirm to the court that the phone call came from CL on the alleged date after the OP was issued.	Info-Legal
3/2/2012	SD s/w CL about Raheem showing up at the hearing on Tuesday to vet the phone call for the contempt of court charge, and CL reiterated that he won't be there.	Info-Legal
3/2/2012	SD informed CL that the ADA has to prove 3 things: 1) that she committed the crime, 2) that she had the intent to commit the crime, and 3) these two things beyond a reasonable doubt.	Info-Legal
3/2/2012	SD s/w CL who called in scared about the hearing on Tuesday. SD offered emotional support.	Follow Up
3/2/2012	SD informed CL that if this goes to trial, the ADA has to provide his evidence to Tajuana who will have the opportunity to investigate all of it.	Info-Legal
3/6/2012	SD s/w CL after hearing and advised her that it's essential that she listen to and trust Tajuana's actions in court. Confirmed what Tajuana told her after court about how to act when in front of the judge, and to let her make the plays.	Crisis Counseling
3/6/2012	SD s/w CL after hearing and informed her that when Tajuana checked the calendar, she found that Kartegener had agreed to each adjournment, so today is the first day of the 30/30 clock. This is why she needs to let Tajuana control what's happening in court (she was trying to push the next hearing back into April to run down the clock).	Info-Legal
3/6/2012	SD went to IDV w/ Tajuana, Rammel (from CVTC), and CL for criminal trial hearing. People weren't ready. 30/30 time started. Adjourned until 3/15/12.	PA-Legal
3/6/2012	SD s/w CL after hearing and advised her that it's essential that she listen to and trust Tajuana's actions in court. Confirmed what	Info-Legal

Services		
Service Date	Service Notes	Type of Service
	Tajuana told her after court about how to act when in front of the judge, and to let her make the plays.	
3/6/2012	SD s/w CL after hearing about the trajectory of the case over the past year from 300+ charges to an ACD to now not being ready when Tajuana indicated she is ready.	Info-Legal
3/6/2012	SD went to IDV w/ Tajuana, Rammel (from CVTC), and CL for criminal trial hearing. People weren't ready. 30/30 time started. Adjourned until 3/15/12.	CJA-DA
3/6/2012	SD went to IDV w/ Tajuana, Rammel (from CVTC), and CL for criminal trial hearing. People weren't ready. 30/30 time started. Adjourned until 3/15/12.	PA-Counseling
3/8/2012	KT s/w Tajuana, CL's defense attorney. Discussed issues with the case, potential responses to assist with the criminal charges.	PA-Legal
3/9/2012	KT s/w CL and discussed what happened in court. Discussed straying from plan, CL's concerns with prosecution, etc. Did CC.	Follow Up
3/9/2012	KT s/w CL and discussed what happened in court. Discussed straying from plan, CL's concerns with prosecution, etc. Did CC.	Crisis Counseling
3/9/2012	KT s/w CL and discussed what happened in court. Discussed straying from plan, CL's concerns with prosecution, etc. Did CC.	Info-Legal
3/13/2012	KT s/w CL's social worker Lisa Hailellassie and discussed case. Discussed mental health issues and appropriate responses. Discussed ways to assist CL's attorney.	PA-Counseling
3/13/2012	KT s/w CL's social worker Lisa Hailellassie and discussed case. Discussed mental health issues and appropriate responses. Discussed ways to assist CL's attorney.	CVTC
3/13/2012	KT s/w CL's social worker Lisa Hailellassie and discussed case. Discussed mental health issues and appropriate responses. Discussed ways to assist CL's attorney.	PA-Legal
3/14/2012	KT met w/ CL and Tajuana Johnson; discussed cases. Discussed defense for violation as well as disorderly conduct. Discussed issues with presentation in court, how to manage abusive and manipulative tactics by abuser, how to stay safe during process. Did CC w/ CL as she was extremely distressed by the conversation. Discussed plan for upcoming court	Crisis Counseling
3/14/2012	KT met w/ CL and Tajuana Johnson; discussed cases. Discussed defense for violation as well as disorderly conduct. Discussed issues with presentation in court, how to manage abusive and manipulative tactics by abuser, how to stay safe during process. Did CC w/ CL as she was extremely distressed by the conversation. Discussed plan for upcoming court	Info-Legal
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	she was extremely distressed by the conversation. Discussed plan for upcoming court	
3/14/2012	KT met w/ CL and Tajuana Johnson; discussed cases. Discussed defense for violation as well as disorderly conduct. Discussed issues with presentation in court, how to manage abusive and manipulative tactics by abuser, how to stay safe during process. Did CC w/ CL as she was extremely distressed by the conversation. Discussed plan for upcoming court	Safety Planning
3/14/2012	KT met w/ CL and Tajuana Johnson; discussed cases. Discussed defense for violation as well as disorderly conduct. Discussed issues with presentation in court, how to manage abusive and manipulative tactics by abuser, how to stay safe during process. Did CC w/ CL as she was extremely distressed by the conversation. Discussed plan for upcoming court	Follow Up
3/14/2012	KT met w/ CL and Tajuana Johnson; discussed cases. Discussed defense for violation as well as disorderly conduct. Discussed issues with presentation in court, how to manage abusive and manipulative tactics by abuser, how to stay safe during process. Did CC w/ CL as she was extremely distressed by the conversation. Discussed plan for upcoming court	CJA-Other
3/15/2012	KT s/w CL who reported on court case. Raheem did not show up in court again. Prosecutor requested an adjournment on the case and advised he still needed more time. CL distressed by the extension of the case but understood the legal strategy.	Follow Up
3/15/2012	KT s/w CL who reported on court case. Raheem did not show up in court again. Prosecutor requested an adjournment on the case and advised he still needed more time. CL distressed by the extension of the case but understood the legal strategy.	Crisis Counseling
3/15/2012	KT s/w CL who reported on court case. Raheem did not show up in court again. Prosecutor requested an adjournment on the case and advised he still needed more time. CL distressed by the extension of the case but understood the legal strategy.	Info-Legal
3/21/2012	KT s/w CL and discussed upcoming court. She spoke with her defense attorney who wants her to begin collecting evidence. Atty said she does not want to flush out the case before seeing what the prosecutor has. CL and I discussed abuse issues and her efforts to try to keep the situation under wraps. Did safety planning and discussed strategy for getting protection once this is over. CL became very distressed during the conversation and I tried to calm her down a little bit. She is very worried about the ways her abuser will use this against her in the future.	Info-Legal
3/21/2012	KT s/w CL and discussed upcoming court. She spoke with her defense attorney who wants her to begin collecting evidence. Atty said she does not want to flush out the case before seeing what the prosecutor has. CL and I discussed abuse issues and her efforts to	Safety Planning

Services		
ServiceDate	Service Notes	Type of Service
	try to keep the situation under wraps. Did safety planning and discussed strategy for getting protection once this is over. CL became very distressed during the conversation and I tried to calm her down a little bit. She is very worried about the ways her abuser will use this against her in the future.	
3/21/2012	KT s/w CL and discussed upcoming court. She spoke with her defense attorney who wants her to begin collecting evidence. Atty said she does not want to flush out the case before seeing what the prosecutor has. CL and I discussed abuse issues and her efforts to try to keep the situation under wraps. Did safety planning and discussed strategy for getting protection once this is over. CL became very distressed during the conversation and I tried to calm her down a little bit. She is very worried about the ways her abuser will use this against her in the future.	Follow Up
3/21/2012	KT s/w CL and discussed upcoming court. She spoke with her defense attorney who wants her to begin collecting evidence. Atty said she does not want to flush out the case before seeing what the prosecutor has. CL and I discussed abuse issues and her efforts to try to keep the situation under wraps. Did safety planning and discussed strategy for getting protection once this is over. CL became very distressed during the conversation and I tried to calm her down a little bit. She is very worried about the ways her abuser will use this against her in the future.	Crisis Counseling
3/26/2012	KT s/w CL and discussed that I could not attend Monday's meeting. CL understood. CL stated that she was receiving messages on her "Kelly Price" phone line from a blocked number and she believed it was Kenya Wells calling her. CL stated that the called said sexually explicit things and was harassing her. She has received repeated messages from this number. CL was very upset. Did a little CC. Discussed legal strategy and our potential role - will help to gather documents as her defense attorney sees fit.	Follow Up
3/26/2012	KT s/w CL and discussed that I could not attend Monday's meeting. CL understood. CL stated that she was receiving messages on her "Kelly Price" phone line from a blocked number and she believed it was Kenya Wells calling her. CL stated that the called said sexually explicit things and was harassing her. She has received repeated messages from this number. CL was very upset. Did a little CC. Discussed legal strategy and our potential role - will help to gather documents as her defense attorney sees fit.	Crisis Counseling
3/26/2012	KT s/w CL and discussed that I could not attend Monday's meeting. CL understood. CL stated that she was receiving messages on her "Kelly Price" phone line from a blocked number and she believed it was Kenya Wells calling her. CL stated that the called said sexually explicit things and was harassing her. She has received repeated messages from this number. CL was very upset. Did a little CC. Discussed legal strategy and our potential role - will help to gather	Info-Legal

Services		
ServiceDate	Service Notes	Type of Service
	documents as her defense attorney sees fit.	
4/3/2012	SD s/w CL who called in with an update on court today. ADA announced he wasn't ready, and the case was adjourned until 5/23/12. Discussed with CL that WebCrims won't be reliable for counting days b/c it's dependent on the judge's calendar. CL requested call back from KT.	Follow Up
4/3/2012	SD s/w CL who called in with an update on court today. ADA announced he wasn't ready, and the case was adjourned until 5/23/12. Discussed with CL that WebCrims won't be reliable for counting days b/c it's dependent on the judge's calendar. CL requested call back from KT.	Crisis Counseling
4/3/2012	SD s/w CL who called in with an update on court today. ADA announced he wasn't ready, and the case was adjourned until 5/23/12. Discussed with CL that WebCrims won't be reliable for counting days b/c it's dependent on the judge's calendar. CL requested call back from KT.	Info-Legal
4/3/2012	KT called back CL	Follow Up
4/3/2012	KT rec'd message from CL	Follow Up
4/4/2012	SD consulted w/ Lisa at CVTC after s/w CL the day before re. charges pending against CL, CL working w/ her attorney instead of around her, and how CL is coping with everything.	PA-Legal
4/4/2012	SD consulted w/ Lisa at CVTC after s/w CL the day before re. charges pending against CL, CL working w/ her attorney instead of around her, and how CL is coping with everything.	PA-Counseling
4/4/2012	KT s/w CL and made plans for meeting with attorney - scheduled tentatively for next week.	Follow Up
4/4/2012	KT left message for CL	Follow Up
4/4/2012	KT s/w CL and made plans for meeting with attorney - scheduled tentatively for next week.	Info-Legal
4/16/2012	KT rec'd message from CL inquiring about date of appointment	Follow Up
4/16/2012	KT l/m for CL advising of appointment tomorrow at 4	Follow Up
4/16/2012	KT l/m for CL advising of appointment tomorrow at 4	Info-Legal
4/16/2012	KT emailed CL's attorney to confirm appointment time	CJA-Other
4/16/2012	KT rec'd response from CL's attorney advising she was out of town and would check upon return	CJA-Other
4/17/2012	KT rec'd message from CL confirming appt	Follow Up
4/17/2012	KT left message for CL confirming appt.	Follow Up
4/17/2012	KT rec'd email from CL's attorney advising she can still meet at 4 today if CL is available.	CJA-Other
4/30/2012	KT s/w CL and discussed housing court issues. Discussed eviction process and strategies to respond. CL stated she has retained records and we discussed requesting a summary of allegations and	Crisis Counseling

Services		
Service Date	Service Notes	Type of Service
	responding in turn to each with the evidence she has.	
4/30/2012	KT s/w CL and discussed housing court issues. Discussed eviction process and strategies to respond. CL stated she has retained records and we discussed requesting a summary of allegations and responding in turn to each with the evidence she has.	Info-Housing
4/30/2012	Discussed pending criminal case and meeting - will meet tomorrow at 4 with attorney.	CJA-Other
4/30/2012	KT s/w CL and discussed housing court issues. Discussed eviction process and strategies to respond. CL stated she has retained records and we discussed requesting a summary of allegations and responding in turn to each with the evidence she has.	Follow Up
5/1/2012	KT attended meeting with CL at CL's attorneys office. Discussed collection of evidence to establish victimization. Discussed evidentiary issues, legal relevance, defenses. Discussed issues with prosecutorial misconduct - failure to pursue witnesses, etc.	Crisis Counseling
5/1/2012	KT attended meeting with CL at CL's attorneys office. Discussed collection of evidence to establish victimization. Discussed evidentiary issues, legal relevance, defenses. Discussed issues with prosecutorial misconduct - failure to pursue witnesses, etc.	PA-Legal
5/1/2012	KT attended meeting with CL at CL's attorneys office. Discussed collection of evidence to establish victimization. Discussed evidentiary issues, legal relevance, defenses. Discussed issues with prosecutorial misconduct - failure to pursue witnesses, etc.	Safety Planning
5/1/2012	KT attended meeting with CL at CL's attorneys office. Discussed collection of evidence to establish victimization. Discussed evidentiary issues, legal relevance, defenses. Discussed issues with prosecutorial misconduct - failure to pursue witnesses, etc.	Follow Up
5/1/2012	KT attended meeting with CL at CL's attorneys office. Discussed collection of evidence to establish victimization. Discussed evidentiary issues, legal relevance, defenses. Discussed issues with prosecutorial misconduct - failure to pursue witnesses, etc.	CJA-Other
5/4/2012	KT left message for CL re: evidence collecting.	Follow Up
5/4/2012	MM left message for CL. To collect more info on issues on case.	Follow Up
5/16/2012	KT emailed CL's attorney re: criminal case and evidence collecting.	CJA-Other
5/16/2012	KT rec'd response from CL's attorney advising no progress had been made.	CJA-Other
5/22/2012	KT rec'd email from CL's attorney advising that the 30-30 deadline had run out according to her information.	CJA-Other
5/22/2012	KT replied to CL's attorney via email.	CJA-Other
5/24/2012	SD s/w CL again who called back to say that she was able to find the case on WebCrim. I tried again and found it too. Case continued to 6/6/12. Verified to CL that I could find it, and suggested that I probably couldn't find it this morning b/c the site hadn't updated	Follow Up

Services		
Service Date	Service Notes	Type of Service
	yet.	
5/24/2012	SD called Lisa @ CVTC to verify the charges were dropped. No answer. Left vm.	PA-Legal
5/24/2012	SD s/w CL again who called back to say that she was able to find the case on WebCrimis. I tried again and found it too. Case continued to 6/6/12. Verified to CL that I could find it, and suggested that I probably couldn't find it this morning b/c the site hadn't updated yet.	Crisis Counseling
5/24/2012	SD s/w CL again who called back to say that she was able to find the case on WebCrimis. I tried again and found it too. Case continued to 6/6/12. Verified to CL that I could find it, and suggested that I probably couldn't find it this morning b/c the site hadn't updated yet.	Info-Legal
5/24/2012	SD s/w CL who called in about what happened in the hearing yesterday. Informed her of what I told Lisa about the WebCrimis info, but also that this doesn't mean the case was dismissed. It's possible the website hasn't been updated yet; however, it sounds like the case is about to be dismissed based on what happened in yesterday's hearing.	Follow Up
5/24/2012	SD s/w CL who called in about what happened in the hearing yesterday. Informed her of what I told Lisa about the WebCrimis info, but also that this doesn't mean the case was dismissed. It's possible the website hasn't been updated yet; however, it sounds like the case is about to be dismissed based on what happened in yesterday's hearing.	Info-Legal
5/24/2012	SD s/w CL who called in about what happened in the hearing yesterday. Informed her of what I told Lisa about the WebCrimis info, but also that this doesn't mean the case was dismissed. It's possible the website hasn't been updated yet; however, it sounds like the case is about to be dismissed based on what happened in yesterday's hearing.	Crisis Counseling
5/29/2012	KT s/w CL and discussed court case. She believes that her case will be dismissed based on speedy trial requirements. CL's attorney will file a motion to dismiss on that basis. Explained to CL that once the motion to dismiss is filed the prosecutor will have the opportunity to reply and the cas	
5/30/2012	SD s/w CL briefly at CVTC and discussed the CC case. CL believes the case will be dropped b/c her attorney assured she would file the motion to dismiss. Advised CL to be patient and follow her attorney's lead.	Crisis Counseling
5/30/2012	SD s/w CL briefly at CVTC and discussed the CC case. CL believes the case will be dropped b/c her attorney assured she would file the motion to dismiss. Advised CL to be patient and follow her attorney's lead.	Info-Legal
5/30/2012	SD s/w CL briefly at CVTC and discussed the CC case. CL believes	Follow Up

Services		
ServiceDate	Service Notes	Type of Service
	the case will be dropped b/c her attorney assured she would file the motion to dismiss. Advised CL to be patient and follow her attorney's lead.	
5/31/2012	SD informed CL that in regards to getting her bail back, she will need ID but she should also discuss that w/ Tajuana to get a better idea of how that will all work out.	Info-Legal
5/31/2012	SD s/w CL who called back returning my vm. She said that Tajuana filed the motion to dismiss today, and is trying to get a clerk to look at it today (she's unsure if she can pull that off). CL will keep us posted.	Follow Up
5/31/2012	SD called CL back returning her messages from this morning. No answer. Left vm.	Follow Up
6/6/2012	KT emailed CL's attorney in response.	CJA-Other
6/6/2012	KT called CL and left message advising atty was aware of situation.	Follow Up
6/6/2012	KT rec'd email from atty advising she had heard the case got called and re: CL's reaction.	CJA-Other
6/6/2012	KT emailed CL's attorney to see where she was.	CJA-Other
6/6/2012	KT s/w CL who called in crisis. Her attorney was late to court and the judge called the case, knowing she was not present. The case got adjourned for two months. CL is very fearful of what will happen and stressed over trying to manage this case and the pressure from Raheem. Discussed options; she is considering trying to fire Tajuana and represent herself today so that the hearing will be heard.	Info-Other
6/6/2012	KT s/w CL who called in crisis. Her attorney was late to court and the judge called the case, knowing she was not present. The case got adjourned for two months. CL is very fearful of what will happen and stressed over trying to manage this case and the pressure from Raheem. Discussed options; she is considering trying to fire Tajuana and represent herself today so that the hearing will be heard.	Info-Legal
6/6/2012	KT s/w CL who called in crisis. Her attorney was late to court and the judge called the case, knowing she was not present. The case got adjourned for two months. CL is very fearful of what will happen and stressed over trying to manage this case and the pressure from Raheem. Discussed options; she is considering trying to fire Tajuana and represent herself today so that the hearing will be heard.	Crisis Counseling
6/6/2012	KT s/w CL who called in crisis. Her attorney was late to court and the judge called the case, knowing she was not present. The case got adjourned for two months. CL is very fearful of what will happen and stressed over trying to manage this case and the pressure from Raheem. Discussed options; she is considering trying to fire Tajuana and represent herself today so that the hearing will be heard.	Follow Up
6/6/2012	KT called CL and left message advising atty was aware of situation.	Info-Legal
6/13/2012	SD explained that if her defense attorney had known about the cert. of readiness, then the mixup over what time the hearing was at	Info-Legal

EXHIBIT #3

18/2015 09:23

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SILVIA LARocca

PAGE 01/01

My name is Mark Christopher LaRocca. I worked as a Lieutenant in the New York City Police Department from 1997 to 2013 assigned to the 028 Precinct in Manhattan. circa 2010 and 2011, I had several conversations with Mrs. Kelly Price in which she claimed to be a crime victim, specifically a victim of domestic violence.

During my interviews of Mrs. Price, I found her allegations of abuse to be credible and with merit. I felt there was sufficient evidence to prepare Complaint Reports to document these allegations which would then be further investigated by the Precinct Domestic Violence Officers and/or the Precinct Detective Squad.

After speaking with the Detectives regarding Mrs. Price's allegations, I was informed that prior to a report being further investigated, a phone call to someone in the Manhattan District Attorney's Office who was familiar with Mrs. Price's history of reporting crimes needed to be consulted.

Mrs. Price informed me that she felt their hindered her ability to receive fair treatment regarding the investigation of her complaints. I informed her that as a victim, she should speak with the supervisor of the person at the Manhattan District Attorney's Office handling her complaints if she felt her complaints were being stonewalled and not acted upon in a fair manner.

MARK C. LARocca
Mark C. LaRocca

EXHIBIT #4

PROSECUTORIAL IMMUNITY IN THE SECOND CIRCUIT

Prosecutorial immunity generally.

Under the plain text 42 U.S.C. §1983, any state actor who causes a citizen to suffer a constitutional or federal rights violation can be sued. But in *Tenney v. Brandhove*, 341 U.S. 367 (1951) (holding that legislatures acting in legislative capacity are absolutely immune from suit under Section 1983), Justice Frankfurter wrote: “We cannot believe that Congress ... would impinge on [traditional immunities] so well grounded in history and reason by covert inclusion in the general language” of Section 1983. In *Monroe v. Pape*, 365 U.S. 167 (1961), the opinion which gave birth to modern civil rights litigation, Justice Douglas wrote for the Court that Section 1983 “should be read against the background of tort liability [].” *Id.* at 188.

The “background of tort liability,” *id.* at 188, the Court noted in *Pierson v. Ray*, 386 U.S. 547 (1967) includes common law defenses. *Id.* at 554-55 (holding that some immunities were so “well established” at common law that Congress “would have specifically so provided had it wished to abolish” them.) Thus, if “an official was accorded immunity from tort actions at common law when the Civil Rights Act was enacted in 1871 [he will be entitled to immunity unless Section] 1983’s history or purposes nonetheless counsel against recognizing the same immunity in 1983 actions.” *Malley v. Briggs*, 475 U.S. 335, 339-40 (1986) (quoting *Tower v. Glover*, 467 U.S. 914, 920 (1984)). In *Imbler v. Pachtman*, 424 U. S. 409 (1976), the Court held that prosecutors performing core prosecutorial functions are entitled to absolute immunity.

Prosecutorial immunity does not apply to all prosecutorial conduct. Rather, the reviewing court looks to “the nature of the function performed, not the identity of the actor who performed it.” *Forrester v. White*, 484 U. S. 219, 229 (1988). This is called the “functional test” to immunities. When a prosecutor performs “advocative” conduct, that is, he “act[s] within the scope of his duties in initiating and pursuing a criminal prosecution,” *Imbler v. Pachtman*, 424 U. S. 409, 410 (1976), he is absolutely immune from suit.

The functional approach.

It’s a matter of first principle that a prosecutor is not entitled to absolute immunity unless he is performing an “advocative” function. In *Imbler v. Pachtman*, 424 U.S. 409, 430-31 (1976), the Court noted the significant difference between “those aspects of the prosecutor’s responsibility that cast him in the role of an administrator or investigative officer rather than that of advocate [].” Thus, in *Burns v. Reed*, 500 U.S. 478 (1991) the Court held that prosecutors were absolutely immune for conduct associated with presenting evidence before a grand jury, but not for rights violations flowing from legal advice they gave to police officers. Giving legal advice to police officers (in this case, telling them that hypnotizing a witness was constitutional), was not advocative conduct. *Id.* at 492-96.

Then, in *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993), the Court held that a prosecutor was not absolutely immune for false statements made in a press conference, and for other pre-trial investigative conduct. The *Fitzsimmons* court noted that “[t]he conduct of a press conference does not involve the initiation of a prosecution, the presentation of the state’s case in court, or actions preparatory for these functions.” *Id.* at 278. Thus, even though “[s]tatements to the press may be

an integral part of a prosecutor's job," *id.* at 278 and "may serve a vital public function ... a prosecutor is in no different position than other executive officials who deal with the press, and, as noted above, qualified immunity is the norm for them." *Id.* (citations omitted).

Recently, in *Kalina v. Fletcher*, 522 U.S. 118 (1997), a unanimous Supreme Court held that a prosecutor who perjured herself when certifying certain facts necessary to obtain an arrest warrant was not absolutely immune from suit. Applying the functional approach to immunities, i.e., looking to "the nature of the function performed, not the identity of the actor who performed it," *Forrester v. White*, 484 U.S. 219, 229 (1988), the Court asked "whether the prosecutor was acting as a complaining witness rather than a lawyer when she executed the certification []." *Id.* at 129. The Court rejected the prosecutor's argument "that the execution of the certificate was just one incident in a presentation that, viewed as a whole, was the work of an advocate and was integral to the initiation of the prosecution." *Id.* at 130. Because "[t]estifying about facts is the function of the witness, not of the lawyer," the prosecutor was not entitled to absolute immunity.

Supreme Court precedent thus clearly establishes that a prosecutor is not entitled to absolute immunity unless he is performing advocative conduct. The challenge is distinguishing between "those aspects of the prosecutor's responsibility that cast him in the role of an administrator or investigative officer rather than that of advocate[]." *Imbler v. Pachtman*, 424 U.S. at 430-31 (1976).

The "advocative" function.

"Advocative" conduct includes that which is "intimately associated with the judicial phase of the criminal process." *Imbler v. Pachtman*, 424 U.S. at 430-31. In *Bernard v. County of Suffolk*, 356 F.3d 495, 503 (2d Cir. 2004) a unanimous three-judge panel wrote that advocative conduct is that which "lie[s] at the very core of a prosecutor's role as an advocate engaged in the judicial phase of the criminal process." These "core" functions include:

- filing criminal charges, *Imbler v. Pachtman*, 424 U.S. 409 (1976); *Pinaud v. County of Suffolk*, 52 F.3d 1139 (2d Cir. 1995), even when done in bad faith. *Shmueli v. New York*, No. 03-0287 (2d Cir. Sept. 15, 2005);
- presenting evidence before a grand jury, *Hill v. City of New York*, 45 F.3d 653 (2d Cir. 1995);
- advocacy at a preliminary hearing, *Burns v. Reed*, 500 U.S. 478 (1991);
- accepting a plea bargain, *Taylor v. Kavanagh*, 640 F.2d 450 (2d Cir. 1981);
- retaining evidence pending a direct appeal, *Parkinson v. Cozzolino*, 238 F.3d 148 (2d Cir. 2001);
- advocating increased bail at a bail hearing, *Pinuad v. County of Suffolk*, 52 F.3d 1139 (2d Cir. 1995).

The "impermissibly intertwined" and lack of jurisdiction exceptions.

Even if a prosecutor is performing an advocative function, he will nonetheless be denied absolute immunity if he intertwines the exercise of his advocacy function with impermissible conduct; or if he acts in excess of his statutorily-conferred jurisdiction.

Thus, absolute immunity will not shield him if he "has intertwined his exercise of

prosecutorial discretion with other, unauthorized conduct.” *Bernard v. County of Suffolk*, 356 F.3d 495, 504. A prosecutor also does not have absolute immunity “for acts that are manifestly or palpably beyond his authority” or are “performed in the clear absence of all jurisdiction.” *Schloss v. Bouse*, 876 F.2d 287, 291 (2d Cir. 1989). To determine whether a prosecutor has authority to take some act, “a court will begin by considering whether relevant statutes authorize prosecution for the charged conduct.” *Bernard v. County of Suffolk*, 356 F.3d 495 (2d Cir. 2004) (holding that prosecutor engaging in an allegedly politically-motivated prosecution was nonetheless entitled to absolute immunity, since the decision to file charges was a prosecutorial function).

“For example, where a prosecutor has linked his authorized discretion ... to an unauthorized demand for a bribe, sexual favors, or the defendant’s performance of a religious act, absolute immunity will be denied.” *Id.* at 504 (citing *Doe v. Phillips*, 81 F.3d 1204 (2d Cir. 1996)). The most prominent (and perhaps one of the only published Second Circuit opinions applying the impermissibly intertwined doctrine) is *Doe v. Phillips*, 81 F.3d 1204 (2d Cir. 1996).

In *Doe*, a state prosecutor, Gerald D’Amelia filed felony charges against a mother for allegedly molesting her 14-year old son. *Id.* at 1206. After beginning to doubt the boy’s accusations, the prosecutor agreed to dismiss the charges. But only on one condition. *Doe*, a Roman Catholic, was required to swear on the Bible that the son’s accusations were false. *Id.* at 1207 (“D’Amelia testified that he told counsel that [unless *Doe* swore on the Bible] criminal charges would not be dismissed against her [].”)

The panel held that even though accepting and demand a plea bargain is an advocative function, *Taylor v. Kavanagh*, 640 F.2d 450 (2d Cir. 1981), the prosecutor was not absolutely immune since he lacked authority to demand that *Doe* swear on the Bible. Because he lacked authority to demand this “intertwined conduct,” D’Amelia was not absolutely immune from suit. *Id.* at 1211. (“D’Amelia’s conduct was not protected by absolute immunity because his demand that *Doe* swear to her innocence on a bible in church was manifestly beyond his authority.”)

Summary.

Prosecutorial immunity, an atextual and judicially-created doctrine, shields advocative conduct from suit. Whether or not the prosecutor acted with bad faith or ill will matters not. The challenge, then, is differentiating between “advocative,” “administrative,” and “investigatory” functions. It is also worth noting that even if a prosecutor is denied absolute immunity, she might still be entitled to qualified immunity.

EXHIBIT #5

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United States Court of Appeals, Second Circuit.

Sarit SHMUELI, Plaintiff-Appellee, v. THE CITY OF NEW YORK, New York City Police Department, Martin Lieberman, and John Does 1-10, the names being fictitious, Defendants, Linda Fairstein and Stacey Mitchell, Defendants-Appellants.

Docket No. 03-0287-PR.

Decided: September 14, 2005

Before: KEARSE, JACOBS, and STRAUB, Circuit Judges. Sarit Shmueli, New York, New York, Plaintiff-Appellee pro se. Michael S. Morgan, Assistant District Attorney, New York, New York (Robert M. Morgenthau, District Attorney for New York County as Special Assistant Corporation Counsel, New York, New York, on the brief), for Defendants-Appellants. Defendants Linda Fairstein and Stacey Mitchell, former Assistant District Attorneys for New York County (collectively the "ADAs"), appeal from so much of an order of the United States District Court for the Southern District of New York, Sidney H. Stein, Judge, as denied their motions pursuant to Fed.R.Civ.P. 12(b)(6) to dismiss, on the ground of absolute prosecutorial immunity, the claims of plaintiff Sarit Shmueli against them for malicious prosecution. To the extent pertinent to this appeal, the amended complaint alleges that appellants, while in office, prosecuted Shmueli on charges that she harassed her former domestic partner, defendant Martin Lieberman, despite the ADAs' knowledge that she was innocent of those charges, and that the prosecution was motivated by Fairstein's friendship with Lieberman. The district court denied the ADAs' absolute-immunity-based motions, ruling that, if the allegations of Shmueli's amended complaint were true, the ADAs had acted without jurisdiction, which would make the defense of absolute immunity unavailable. On appeal, the ADAs contend that the defense of absolute immunity spares an official from any scrutiny of her motives and that the district court thus erred in equating an allegedly improper prosecutorial state of mind with a lack of prosecutorial jurisdiction. For the reasons that follow, we agree; and to the extent that the district court denied appellants' absolute-immunity-based motions to dismiss claims for damages, we reverse.

I. BACKGROUND

The New York State ("State") prosecution of Shmueli is a matter of public record, of which we take judicial notice. In determining whether the ADAs are entitled to absolute immunity with respect to that prosecution, we accept the allegations of Shmueli's amended complaint as true. See, e.g., *Kalina v. Fletcher*, 522 U.S. 118, 122, 118 S.Ct. 502, 139 L.Ed.2d 471 (1997); *Buckley v. Fitzsimmons*, 509 U.S. 259, 261, 113 S.Ct. 2606, 125 L.Ed.2d 209 (1993).

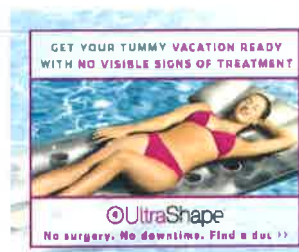
A. The 1998 Prosecution of Shmueli

In May 1998, the State filed a 93-count complaint (the "criminal complaint") against Shmueli in the Criminal Court of the City of New York, County of New York ("Criminal Court"). See *People v. Shmueli*, Crim. Compl. No. 98No42120 (N.Y.Crim.Ct. May 6, 1998). The criminal complaint was sworn to by a police detective based on information the detective had received from, inter alios, Lieberman, his friends, family members, and business associates, as well as friends and business associates of Lieberman's relatives, and officials at Lieberman's daughter's school. The criminal complaint alleged that Shmueli had subjected Lieberman and his ex-wife, children, friends, and associates to numerous acts of harassment, including repeated letters to third persons disclosing private information about Lieberman or private information that Lieberman had shared with Shmueli about other persons while Lieberman and Shmueli were living together as domestic partners; an act of vandalism on a car belonging to Lieberman's ex-wife and being used by his son; the placement of shattered glass covered with a red substance at Lieberman's door; and the posting, at Lieberman's minor daughter's school, of flyers making libelous and scandalous statements about the relationship between Lieberman and his daughter. The criminal complaint also alleged that Shmueli had made numerous harassing "hang up" telephone calls. In support of that allegation, the detective stated that he had reviewed records for the telephone at Shmueli's Manhattan apartment for the period in question and had found approximately 59 calls from that telephone to Lieberman's home or work number, with each connection lasting less than one minute. The criminal complaint charged Shmueli with one count of Harassment in the Second Degree, one count of Menacing in the Second Degree, and 91 counts of Aggravated Harassment in the Second Degree.

The case against Shmueli was never tried. In March 2002, all charges were dismissed on statutory speedy trial grounds, without State opposition.

B. The Amended Complaint's Allegations Against the ADAs

Shmueli commenced the present action in February 2003; represented by counsel, she filed an amended complaint in May 2003. The amended complaint, asserting claims under 42 U.S.C. § 1983 and state law, alleges that Fairstein, Mitchell, Lieberman, the City of New York (the "City"), and others conspired to prosecute her for crimes of which they knew she was innocent, subjecting her to, inter alia, false arrest, false imprisonment, assault and battery, and malicious prosecution. Shmueli alleges that the motivation for her arrest and prosecution was a personal relationship between Fairstein and Lieberman. The allegations of the amended complaint include the following.



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Shmueli and Lieberman had lived together in Shmueli's apartment for some two years until May 1997, when Shmueli asked Lieberman to move out. (See Amended Complaint ¶¶ 14-15.) The amended complaint alleges that after Lieberman moved, he threatened Shmueli that "he and his 'friend ADA Fairstein'" (id. ¶¶ 15, 16) would "make her life miserable if Plaintiff did not continue the relationship" (id. ¶ 15) and would "destroy her life" if Shmueli did not reimburse Lieberman for contributions he had made towards rent while they lived together (id. ¶ 16).

The amended complaint alleges that in November 1997, Shmueli received numerous telephone calls from Fairstein and Mitchell, threatening to arrest Shmueli if she did not come to the District Attorney's office for a meeting (see id. ¶ 22); that in mid-November Shmueli, accompanied by counsel, attended a meeting with the ADAs, during which Shmueli was falsely accused of sending letters and making telephone calls to Lieberman (see id. ¶ 23); and that on or about May 5, 1998, on the instruction of the ADAs, City police officers falsely arrested and falsely imprisoned Shmueli (see id. ¶ 25).

The amended complaint alleges that Lieberman had bragged to Shmueli that Fairstein "had instructed him as to what types of harassment would fall under her personal jurisdiction as an assistant district attorney" (id. ¶ 24), and that "all of the defendants acted in conspiracy to maliciously prosecute Plaintiff SHMUELI for crimes that they knew she was innocent of" (id. ¶ 19):

In spite of knowing that the charges against Plaintiff SHMUELI were false, in consideration of her personal relationship with Defendant LIEBERMAN, Defendant FAIRSTEIN, along with Defendant MITCHELL, wrongfully, knowingly and maliciously prosecuted Plaintiff SHMUELI for various crimes, all of which they knew she was innocent of committing.

(Id. ¶ 31.) The amended complaint alleges that, following Shmueli's arrest, Fairstein, Mitchell, and others contrived to prolong the period during which Shmueli would remain in custody without being able to post bail and to prolong the criminal proceedings with the intent of harassing Shmueli and increasing the cost of defending herself against the false criminal allegations. (See id. ¶¶ 26, 32.) The criminal charges against Shmueli were dismissed on March 22, 2002.

The amended complaint requested \$100,000,000 in compensatory damages and \$100,000,000 in punitive damages, as well as unspecified injunctive and declaratory relief.

C. The Ruling of the District Court as to Absolute Immunity

The ADAs moved pursuant to Rule 12(b)(6) to dismiss the claims against them on various grounds, including failure to state a claim on which relief can be granted and absolute immunity. In an Order of Partial Dismissal dated October 3, 2003, the court, *inter alia*, granted the ADAs' motions to dismiss (1) all claims against them in their official capacities, (2) all state-law claims except certain claims for malicious prosecution, and (3) all claims for malicious prosecution—whether under § 1983 or state law—that were based on events that occurred prior to Shmueli's arraignment. In sum, the court denied the ADAs' motions only to the extent that they sought dismissal of the § 1983 and state-law claims against them in their individual capacities for malicious prosecution in connection with the events following Shmueli's arraignment (the "postarraignment malicious prosecution claims").

To the extent pertinent to the present appeal, the court rejected the ADAs' defense of absolute immunity on the postarraignment malicious prosecution claims, stating its reasons on the record as follows:

Absolute immunity does confer broad protection upon prosecutors from civil liability for their official duties. Yet, "where the prosecutor acts without clear jurisdiction and without any colorable claim of authority the prosecutor loses the absolute immunity he would otherwise enjoy." *Rodrigue[s] v. City of New York*, 193 A.D.2d 79, 86, 602 N.Y.S.2d 337 (1st Dept.1993). Plaintiff specifically alleges that the ADAs knew the charges against her were false and knew that Shmueli was innocent of the alleged offenses, but the ADAs prosecuted it [sic] nonetheless. Thus, plaintiff has sufficiently alleged acts by the ADA defendants that, if true, would be "in clear absence of all jurisdiction." So, at least on a 12(b)(6) motion, there is enough here for me to say that absolute immunity does not bar this 1983 claim as of now—I repeat, as of now.

(Transcript, October 3, 2003 ("Tr."), at 16-17 (emphasis added).

II. DISCUSSION

On this appeal, the ADAs have challenged so much of the district court's order as ruled that they were not entitled to an immediate absolute-immunity-based dismissal of Shmueli's postarraignment malicious prosecution claims against them. To the extent that those claims seek money damages, we find merit in the ADAs' appeal.

A. Appellate Jurisdiction

Preliminarily, we note that, despite the absence of a final judgment, we have jurisdiction to entertain the present appeal, which seeks review only of so much of the district court's order as rejected the ADAs' Rule 12(b)(6) motions to dismiss on the ground of absolute immunity. As the existence of absolute immunity protects an official not only from liability but also from suit, the validity of the defense should be determined at an early stage. Hence, an interlocutory order rejecting the defense is immediately appealable under the collateral order doctrine to the extent that the rejection turned on an issue of law. See generally *Mitchell v. Forsyth*, 472 U.S. 511, 525, 105 S.Ct. 2806, 86 L.Ed.2d 411 (1985); *Bernard v. County of Suffolk*, 356 F.3d 495, 501-02 (2d Cir.2004) ("Bernard"); *Hill v. City of New York*, 45 F.3d 653, 659-60 (2d Cir.1995) ("Hill"); cf. *Munaf v. Metropolitan Transportation Authority*, 285 F.3d 201, 210-11 (2d Cir.2002) (same with respect to a defense of qualified immunity).

Further, although absolute immunity is an affirmative defense whose availability depends on the nature of the function being performed by the defendant official who is alleged to have engaged in the challenged conduct, see, e.g., *Imbler v. Pachtman*, 424 U.S. 409, 430, 96 S.Ct. 984, 47 L.Ed.2d 128 (1976); *Bernard*, 356 F.3d at 502-03; *Hill*, 45 F.3d at 660-61; *Lee v. Willins*, 617 F.2d 320, 321-22 (2d Cir.), cert. denied, 449 U.S. 861, 101 S.Ct. 165, 66 L.Ed.2d 78 (1980), the nature of that function is often clear from the face of the complaint. In that circumstance, the absolute immunity defense may be resolved as a matter of law on a motion to dismiss the complaint pursuant to Rule 12(b)(6). See, e.g., *Imbler*, 424 U.S. at 416-17, 96 S.Ct. 984; *Bernard*, 356 F.3d at 501-02; *Hill*, 45 F.3d at 657; *Lee v. Willins*, 617 F.2d at 321.

In the present case, the district court, in denying the ADAs' absolute-immunity-based motions to dismiss, indicated that the defense might be upheld at some later time. (See Tr. 17 ("absolute immunity does not bar this 1983 claim as of now—I repeat as of now").) However, its denial of the motions for an immediate dismissal pursuant to Rule 12(b)(6) constituted a ruling as to the legal sufficiency of the amended complaint's allegations to defeat the defense. (See Tr. 16-17 (stating that the assertions "that the ADAs

knew the charges against [Shmueli] were false and knew that Shmueli was innocent of the alleged offenses, but the ADAs prosecuted it [sic] nonetheless . . . sufficiently alleged acts by the ADA defendants that, if true, would "cause them to "lose[] the absolute immunity [t]he[y] would otherwise enjoy" (internal quotation marks omitted).) This was a ruling of law that is immediately appealable.

B. Absolute Immunity

It is by now well established that "a state prosecuting attorney who acted within the scope of his duties in initiating and pursuing a criminal prosecution," *Imbler*, 424 U.S. at 410, 96 S.Ct. 984, "is immune from a civil suit for damages under § 1983," *id.* at 431, 96 S.Ct. 984. See, e.g., *Kalina v. Fletcher*, 522 U.S. 118, 124, 118 S.Ct. 502, 139 L.Ed.2d 471 (1997) (such a prosecutor "[i]s not amenable to suit [for damages] under § 1983"); *Buckley v. Fitzsimmons*, 509 U.S. 259, 273, 113 S.Ct. 2606, 125 L.Ed.2d 209 (1993) ("acts undertaken by a prosecutor in preparing for the initiation of judicial proceedings or for trial, and which occur in the course of his role as an advocate for the State, are entitled to the protections of absolute immunity"); see also *Imbler*, 424 U.S. at 420, 96 S.Ct. 984 ("The Courts of Appeals . . . are virtually unanimous that a prosecutor enjoys absolute immunity from § 1983 suits for damages when he acts within the scope of his prosecutorial duties."). The rationale for conferring absolute immunity in such circumstances is that "[t]he public trust of the prosecutor's office would suffer if he were constrained in making every decision by the consequences in terms of his own potential liability in a suit for damages." *Id.* at 424-25, 96 S.Ct. 984.

Because the immunity attaches to the official prosecutorial function, see, e.g., *Imbler*, 424 U.S. at 430, 96 S.Ct. 984, and because the initiation and pursuit of a criminal prosecution are quintessential prosecutorial functions, see *id.*, the prosecutor has absolute immunity for the initiation and conduct of a prosecution "unless [he] proceeds in the clear absence of all jurisdiction," *Barr v. Abrams*, 810 F.2d 358, 361 (2d Cir.1987) ("Barr"). A prosecutor engaging in "prosecutorial activities intimately associated with the judicial phase of the criminal process" loses "the absolute immunity he would otherwise enjoy" only if he "acts without any colorable claim of authority." *Id.*

The scope of a prosecutor's jurisdiction is determined by law. In considering whether a given prosecution was clearly beyond the scope of that jurisdiction, or whether instead there was at least a colorable claim of authority, see, e.g., *id.* ("at least a semblance of jurisdiction"), we inquire whether the pertinent statutes may have authorized prosecution for the charged conduct, see, e.g., *id.* at 361-62; *Bernard*, 356 F.3d at 504; *Schloss v. Bouse*, 876 F.2d 287, 291 (2d Cir.1989).

Once the court determines that the challenged prosecution was not clearly beyond the prosecutor's jurisdiction, the prosecutor is shielded from liability for damages for commencing and pursuing the prosecution, regardless of any allegations that his actions were undertaken with an improper state of mind or improper motive. See, e.g., *Bernard*, 356 F.3d at 503; *id.* at 502 ("a defendant's motivation in performing such advocative functions [as deciding to prosecute] is irrelevant to the applicability of absolute immunity").

For example, a defense of absolute immunity from a claim for damages must be upheld against a § 1983 claim that the prosecutor commenced and continued a prosecution that was within his jurisdiction but did so for purposes of retaliation, see, e.g., *Barr*, 810 F.2d at 360-62, or for purely political reasons, see, e.g., *Bernard*, 356 F.3d at 504 ("the fact that improper motives may influence his authorized discretion cannot deprive him of absolute immunity"). A prosecutor is also entitled to absolute immunity despite allegations of his "knowing use of perjured testimony" and the "deliberate withholding of exculpatory information." *Imbler*, 424 U.S. at 431 n. 34, 96 S.Ct. 984. Although such conduct would be "reprehensible," it does not make the prosecutor amenable to a civil suit for damages. *Id.* In sum, the nature of absolute immunity is such that it "accords protection from . . . any judicial scrutiny of the motive for and reasonableness of official action." *Robison v. Via*, 821 F.2d 913, 918 (2d Cir.1987). "[I]n the realm of absolute immunity, . . . evaluation of motive and reasonableness is forbidden." *Id.* at 920; see, e.g., *Dory v. Ryan*, 25 F.3d 81, 83 (2d Cir.1994) (the absolute character of absolute immunity is that it "protects a prosecutor from § 1983 liability for virtually all acts, regardless of motivation, associated with his function as an advocate"). These principles are not affected by allegations that improperly motivated prosecutions were commenced or continued pursuant to a conspiracy. See, e.g., *id.*; *Bernard*, 356 F.3d at 503.

The above principles, dealing with claims brought under § 1983, also protect a prosecutor against malicious prosecution claims brought under state law. See, e.g., *Rudow v. City of New York*, 822 F.2d 324, 329 (2d Cir.1987); *Schanbarger v. Kellogg*, 35 A.D.2d 902, 902, 315 N.Y.S.2d 1013, 1015-16 (1970), appeal dismissed, 29 N.Y.2d 649, 324 N.Y.S.2d 1033, 273 N.E.2d 321 (1971), cert. denied, 405 U.S. 919, 92 S.Ct. 944, 30 L.Ed.2d 789 (1972). See also *Buckley*, 509 U.S. at 274 n. 5, 113 S.Ct. 2606 (indicating that the Court's conclusion that absolute immunity protects a prosecutor against § 1983 claims in the nature of malicious prosecution was based in part on the "common-law tradition of immunity for a prosecutor's decision to bring an indictment, whether he has probable cause or not"); *Imbler*, 424 U.S. at 424, 96 S.Ct. 984 (same principles require conferral of absolute immunity for damages claims under § 1983 and state law).

In the present case, the undismissed claims against the ADAs are claims under § 1983 and state law for malicious prosecution based solely on events following Shmueli's arraignment. As set out in Part I.B. above, the amended complaint's only allegations of postarrest malicious prosecution are that the ADAs "maliciously prosecuted [Shmueli] for various crimes, all of which they knew she was innocent of committing" and "intentionally . . . delayed the criminal proceedings with the intent of harassing" her (Amended Complaint ¶¶ 31-32). The allegations that the ADAs prosecuted Shmueli and continued with the prosecution describe only functions for which a prosecutor is normally accorded absolute immunity.

The district court ruled that the amended complaint's allegations that the ADAs prosecuted Shmueli despite knowing that the charges against her were false and that Shmueli was innocent were "sufficient[] allegations[]" that the ADAs acted "in clear absence of all jurisdiction." (Tr. 17 (internal quotation marks omitted).) But that ruling confused jurisdiction with state of mind.

The jurisdiction of the ADAs to prosecute Shmueli depended on the authority conferred by the New York statutes. Looking to the versions of the pertinent statutes that were in effect when Shmueli was prosecuted in 1998, we note that the New York Penal Law prohibited aggravated harassment in the second degree, which was defined to include communications by telephone, mail, or other forms of writing, in a manner likely to cause annoyance or alarm, see N.Y. Penal Law § 240.30(1) (McKinney 1989, as amended in 1992), and the making of telephone calls, whether or not a conversation ensues, with no purpose of legitimate communication, see *id.* § 240.30(2) (McKinney 1989, as amended in 1992). The Criminal Court in New York County had jurisdiction of an offense if any element of the offense was committed in the county, see N.Y.Crim. Proc. Law § 20.40 (McKinney 1992); Shmueli was alleged to have, inter alia, made several dozen harassing telephone calls to Lieberman's office and his new home from her apartment in Manhattan, which is within New York County. The District Attorney for New York County had the

duty to prosecute offenses within that County, see New York County Law §§ 700(1), 927 (McKinney 1991), and was authorized to appoint assistant district attorneys to assist him, see id. § 930 (McKinney 1991). These statutes plainly authorized the ADAs to prosecute Shmueli for the alleged harassment of Lieberman, his associates, and his family, described in Part I.A. above.

In sum, the postarrest events alleged in the amended complaint consisted only of the prosecution of Shmueli in a court of competent jurisdiction on charges that were within the ADAs' authority to bring. Accordingly, the ADAs are entitled to absolute immunity against Shmueli's claims for damages for those events. The amended complaint's allegations that Shmueli was innocent and that the charges were brought for improper purposes do not deprive the ADAs of that immunity.

"[A]n official's entitlement to absolute immunity from a claim for damages," however, "does not bar the granting of injunctive relief," *Dorman v. Higgins*, 821 F.2d 133, 139 (2d Cir.1987); see, e.g., *Pulliam v. Allen*, 466 U.S. 522, 536-37, 104 S.Ct. 1970, 80 L.Ed.2d 565 (1984), *Hill v. Sciarrotta*, 140 F.3d 210, 215 (2d Cir.1998); *Heimbach v. Village of Lyons*, 597 F.2d 344, 347 (2d Cir.1979), or of other equitable relief. Shmueli's amended complaint requested not only damages but also equitable relief (the nature of which was not specified). Accordingly, we reverse the district court's denial of the ADAs' absolute-immunity-based motions only to the extent that they were directed to claims for damages.

CONCLUSION

We have considered all of Shmueli's arguments that are properly before us and have found them to be without merit. For the reasons stated above, we conclude that the district court should have granted the absolute-immunity-based motions of Pairstein and Mitchell to dismiss the § 1983 and state-law postarrest malicious prosecution claims against them for damages. We reverse the district court's denial of those motions to that extent and remand the matter for such further proceedings as are appropriate and not inconsistent with this opinion.

KEARSE, Circuit Judge.

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(For Loretta S. Presko)
500 Pearl St.
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